

REMARKS

Claims 1, 3-8, 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,348,060 to Brown ("Brown") in view of U.S. Patent No. 6,251,136 by Guruwaiya, *et al.* ("Guruwaiya"). Claim 9 also stands rejected under § 103(a) as unpatentable over Brown and Guruwaiya in further view of U.S. Patent No. 6,409,716 to Sahatjian, *et al.* ("Sahatjian"). In addition, claim 4 stands rejected under 35 U.S.C. § 112, second paragraph as indefinite for reference to a "second coating," and the drawings stand objected to for failure to adequately denote the solid cross-section of element 11 therein.

The Applicants have carefully reviewed the February 12, 2003 Final Office Action. The Applicants are requesting entry of the foregoing requested amendments to place the claims in allowable condition. The amendments address the § 112, second paragraph issue by amending claims 1 and 4-10 to use revised and consistent coating labels, in particular distinguishing between the coating on the releasable implant and those on the delivery device. Accordingly, reconsideration and withdrawal of the pending § 112, second paragraph rejection is respectfully requested.

The Applicants also have attached hereto proposed drawing changes to provide the requested cross-section indication markings for element 11 in Figs. 1-3. Examiner review and approval of the proposed drawing changes, and withdrawal of the pending drawing objection, is respectfully requested.

For the reasons set forth in the following remarks, the Applicants believe that upon entry of the foregoing amendments, claims 1 and 3-11 would be in allowable form. The Applicants thus respectfully request reconsideration of the pending rejections and issuance of a Notice of Allowance for claims 1 and 3-11.

1. Brown Does Not Teach Or Suggest All The Features For Which It Is Cited.

The Applicants respectfully traverse the pending rejections of claims 1 and 3-11 as unpatentable under § 103(a) as unpatentable over Brown in combination with Guruwaiya or Guruwaiya and Sahatjian, on the grounds that Brown does not teach or suggest all the features of the present invention for which it is cited, and the remaining references do not cure these defects.

Claim 1 of the present invention recites an implant delivery device comprising, *inter alia*, a "releasable implant retention region having a first implant adhesion-resistant coating." Brown is cited as disclosing a delivery system 10 wherein "[t]he whole catheter is coated

(including the balloon) with an adhesion-resistant treatment (see col. 3, lines 23-43 and col. 4, lines 20-37).” February 12, 2003 Final Office Action at 3.

Review of Brown reveals, however, that there is no teaching or suggestion of coating *a releasable implant retention region* with an implant adhesion-resistant coating. Rather, the first cited portion of Brown, col. 3, lines 23-43, describes the construction of the Brown device as comprising a catheter 12 that may be coated and, *separately*, an inflatable balloon 14 for which no coating is described anywhere in the Brown specification.

Specifically, at col. 3, lines 25-29, the Brown assembly is described as follows:

Assembly 10 includes a catheter 12 preferably comprised of inner shaft 13 and outer shaft 15 of the coaxial type, an inflation expandable balloon 14, a mounting body 16 and an inflation expandable stent 18.

The sentence structure plainly describes balloon 14 as a component of assembly 10, *separate* from catheter 12 of assembly 10. Brown then goes on to describe in detail the materials from which *catheter 12* may be formed, including materials compatible with certain coatings. Brown at 3:33-42. Importantly, there is nothing else in Brown that begins to either teach or suggest the coating of *balloon 14* with an implant adhesion-resistant coating -- indeed, the only discussion of such any such coating is in the discussion of catheter 12.

The remaining cited portion of Brown, col. 4, lines 20-37, describes only the characteristics and materials of mounting body 16, a stent support block that lies *under* the surface of balloon 14; this portion of Brown provides *no* teaching or suggestion regarding an adhesion-resistant coating on balloon 14 (*i.e.*, a coating region “in physical communication” with the implant, as recited in claim 1).

For the foregoing reasons, the Applicants respectfully submit that Brown does not teach or suggest a delivery system wherein “[t]he whole catheter is coated (including the balloon) with an adhesion-resistant treatment” as the Examiner suggests. Thus, this reference does not teach or suggest claim 1’s “releasable implant retention region having a first implant adhesion-resistant coating.” Nor is this defect cured by either Guruwaiya (cited for its disclosure of multiple sleeves) or Sahatjian (cited for its use of a carbowax coating).

Accordingly, claim 1 and its dependent claims 3-11 are patentable under § 103(a) over Brown, Guruwaiya or Sahatjian, either alone or in combination. The Applicants therefore respectfully request the pending § 103(a) rejections of claims 1 and 3-11 be reconsidered and withdrawn.

Conclusion

In view of the foregoing requested amendments and remarks, it is respectfully submitted that entry of the proposed amendments would place the claims in condition for allowance. The Applicants therefore earnestly solicit entry of the amendments and issuance of a Notice of Allowance for claims 1 and 3-11.

The Examiner is invited to contact the undersigned at (202) 220-4232 to discuss any matter concerning this application.

The Office is authorized to charge any underpayment or credit any overpayment to Kenyon & Kenyon Deposit Account No. 11-0600.

Respectfully submitted,



Mark H. Neblett
Registration No. 42,028

Dated: May 9, 2003

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1247
(202) 220-4200
(202) 220-4201 (facsimile)